

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

*In re: Nexium (Esomeprazole Magnesium)
Antitrust Litigation*

MDL No. 2409

This Document Relates to:

Civil Action No. 1:12-md-02409-WGY

All Direct Purchaser and End-Payor Actions

**DECLARATION OF JAMES H. WEINGARTEN, ESQ. IN SUPPORT
OF ASTRAZENECA, RANBAXY, AND TEVA DEFENDANTS'
MOTION TO EXCLUDE THE TESTIMONY OF CHERYL BLUME**

I, James H. Weingarten, declare that I am an attorney with the law firm of Williams & Connolly LLP and counsel to Defendants AstraZeneca LP, AstraZeneca AB, and Aktiebolaget Hassle (collectively, "AstraZeneca") in the above-captioned consolidated cases. I submit this Declaration in support of AstraZeneca, Ranbaxy, and Teva Defendants' Motion to Exclude the Testimony of Cheryl Blume [Dkt. No. 635].

The following facts are within my personal knowledge, and, if called and sworn as a witness, I could and would testify competently to them.

1. Attached hereto as Exhibit 1 is a true and correct copy of the Expert Report of Cheryl D. Blume, Ph.D, dated August 23, 2013.
2. Attached hereto as Exhibit 2 is a true and correct copy of the Rebuttal Report of Cheryl D. Blume, Ph.D, dated October 25, 2013.
3. Attached hereto as Exhibit 3 is a true and correct copy of the Deposition of Cheryl D. Blume, Ph.D, dated December 3, 2013.
4. Attached hereto as Exhibit 4 is a true and correct copy of the letter from R. Friedman to M. Singh, re: Warning Letter WL: 320-08-02, dated September 16, 2008.

5. Attached hereto as Exhibit 5 is a true and correct copy of the letter from N. Buhay to R. Parekh, re: Warning Letter WL: 32-06-03, dated June 15, 2006.

6. Attached hereto as Exhibit 6 is a true and correct copy of the memorandum from J. Woodcock to M. Singh, dated February 25, 2009.

7. Attached hereto as Exhibit 7 is a true and correct copy of the Consent Decree of Permanent Injunction, *United States v. Ranbaxy Labs., Inc.*, Civil Action 1:12-cv-00250-JFM (D. Md. Jan. 26, 2012) [Dkt. No. 5].

8. Attached hereto as Exhibit 8 is a true and correct copy of the Order Granting Wyeth's Motion to Exclude Expert Testimony Re: What a "Reasonable" Pharmaceutical Company Would Do, filed in *Vance v. Rite Aid of West Virginia, Inc.*, Civil Action No. 06-C-00351P (Cir. Ct. of Logan County, Va. Aug. 13, 2010).

9. Because the attachments to this Declaration contain material that has been designated as confidential, in whole or in part, by certain parties, the exhibits have been redacted from the publicly filed version of this Declaration, in order to allow such parties an opportunity to file a motion to impound pursuant to the Protective Order entered in this matter.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 10, 2013, in Washington, DC.

By: /s/ James H. Weingarten
James H. Weingarten, Esq.

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CERTIFICATE OF SERVICE

I, James H. Weingarten, hereby certify that this document was served via email on counsel of record for all parties on December 10, 2013.

/s/ James H. Weingarten
James H. Weingarten